

EXHIBIT A

RECEIVED JAN 28 2022

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MENOMINEE

ARLENE BECKER ZARMI,

Plaintiff,

vs.

PETER J. BENTZ, and
McKEVITT TRUCKING LIMITED,
an Ontario Business Corporation,

Defendants.

Case No. 22-17119-NI
Hon. Donald S. Powell

Hon. CHRISTOPHER S. NINOMIYA

COPY

JAN 11 2022

MENOMINEE CO.
CIRCUIT COURT

Jessica A. Bray (P58972)
Attorney for Plaintiff
225 Ludington Street
Escanaba, MI 49829
(906) 786-3902

COMPLAINT

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

COUNT 1

PETER J. BENTZ - NEGLIGENCE

NOW COMES Plaintiff, ARLENE BECKER ZARMI, by and through her attorneys, Bray, Cameron, Larrabee & Clark, P.C., by Jessica A. Bray, and for her complaint, states as follows:

1. On or about August 25, 2020, Plaintiff ARLENE BECKER ZARMI was a resident of Milwaukee County, State of Wisconsin.
2. On or about August 25, 2020, Defendant PETER J. BENTZ was a resident of Algoma District, Ontario, Canada.

3. The amount in controversy exceeds \$25,000.

4. On our about August 25, 2020, Plaintiff ARLENE BECKER ZARMI was operating a motor vehicle traveling northbound on Highway M35, in Ingallston Township, Menominee County, State of Michigan.

5. On or about August 25, 2020, Defendant PETER J. BENTZ was operating a semi-truck/trailer owned by Defendant McKEVITT TRUCKING LIMITED, which was traveling northbound on Highway M35, in Ingallston Township, Menominee County, State of Michigan.

6. At the above place and time, Defendant PETER J. BENTZ was traveling northbound on Highway M-35 in front of the motor vehicle operated by Plaintiff ARLENE BECKER ZARMI. Defendant PETER J. BENTZ's semi-trailer "recapped" tire blew apart and a very large piece flew into the air and through the windshield of the motor vehicle operated by Plaintiff ARLENE BECKER ZARMI.

7. At all times relevant hereto, Defendant PETER J. BENTZ owed a duty to Plaintiff to use due care and caution in the operation, maintenance, and control of the semi-truck/trailer being driven by Defendant PETER J. BENTZ, who was required to drive and maintain the vehicle with care so as to reasonably protect the safety, health and life of Plaintiff and to obey the traffic ordinances, and the Motor Vehicle Code of the State of Michigan and the rules of the common law.

8. Contrary to the duties owed to Plaintiff, Defendant PETER J. BENTZ was negligent, careless and reckless in several respects and breached his duties by the following acts and/or omissions:

- a. Failing to maintain the vehicle in proper repair;
- b. Failed to properly inspect his vehicle to find potential hazards, problems, or areas of deterioration;
- c. Failed to inspect and maintain the equipment, including the recapped tire; and
- d. Was otherwise careless or negligent.

9. As a proximate result of Defendant PETER J. BENTZ's negligence, Plaintiff sustained serious impairment of a bodily function including, but not limited to, lumbar spine, including compression fractures, disc protrusions, bulges, and other bruises and contusions.

10. As a further proximate result of Defendant PETER J. BENTZ's negligence, Plaintiff sustained additional damages as follows:

- a. Pain and suffering;
- b. Lost wages;
- c. Economic loss in excess of that provided under Michigan no-fault; and
- d. Inability to enjoy the normal functions of life.

WHEREFORE, Plaintiff ARLENE BECKER ZARMI, requests judgment against Defendant PETER J. BENTZ in whatever amount in excess of \$25,000.00 Plaintiff is found to be entitled, together with interest, costs and attorney fees.

COUNT II
OWNERSHIP STATUTE MCL 257.401

11. Plaintiff restates and realleges Paragraphs 1 through 10 in Count I verbatim.

12. That upon information and belief, McKEVITT TRUCKING LIMITED, is an Ontario Business Corporation knowingly and continually doing business in the State of Michigan.

13. Defendant McKEVITT TRUCKING LIMITED owned the semi-truck/trailer that Defendant PETER J. BENTZ was operating on or about August 25, 2020, traveling northbound on Highway M35, in Ingallston Township, Menominee County, State of Michigan.

14. The semi-truck/trailer owned by Defendant McKEVITT TRUCKING LIMITED, and driven by Defendant PETER J. BENTZ was being driven by Defendant

PETER J. BENTZ with the expressed or implied consent or knowledge of Defendant McKEVITT TRUCKING LIMITED.

15. Defendant McKEVITT TRUCKING LIMITED is liable under the Michigan Ownership Statute MCL 257.401.

WHEREFORE, Plaintiff ARLENE BECKER ZARMI requests judgment against Defendant McKEVITT TRUCKING LIMITED in whatever amount in excess of \$25,000.00 Plaintiff is found to be entitled, together with interest, costs, and attorneys fees.

Dated: January 7, 2022.

BRAY, CAMERON, LARRABEE
& CLARK, P.C.

By: Jessica A. Bray
Jessica A. Bray
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